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MONTANA LEGISLATIVE HISTORY

Chapter 85 19 89

Bill H _____ S 2 Original bill & history ✓ C

H. Committee on Business & Labor			S. Committee on Judiciary		
Hearing Date(s)	Mar 03	✓ C	Hearing Date(s)	Jan 16	✓ C
		C		Jan 19	✓ C
		C			C
		C			C
Date Out	Mar 03	✓ C		Jan 20	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SB 1 INTRODUCED BY ANDERSON, JR.
BEACH-WIBAUX PLANT IMPACT ASSISTANCE INTERSTATE COMPACT
BY REQUEST OF COAL TAX OVERSIGHT SUBCOMMITTEE

1/02	FISCAL NOTE REQUESTED		
1/05	INTRODUCED		
1/05	REFERRED TO TAXATION		
1/08	FISCAL NOTE RECEIVED		
1/10	HEARING		
1/16	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/20	REREFERRED TO RULES		
1/21	COMMITTEE REPORT RULED THIS BILL WAS NOT AN APPROPRIATIONS BILL		
1/23	2ND READING PASSED AS AMENDED	49	0
1/26	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
2/04	REFERRED TO TAXATION		
3/05	HEARING		
4/06	TABLED IN COMMITTEE		

SB 2 INTRODUCED BY HAGER
PROVIDING LIEN RIGHTS FOR PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS
BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

1/05	INTRODUCED		
1/05	REFERRED TO JUDICIARY		
1/16	HEARING		
1/21	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/24	2ND READING PASSED	48	0
1/27	3RD READING PASSED	47	3
	TRANSMITTED TO HOUSE		
2/04	REFERRED TO BUSINESS & LABOR		
3/03	HEARING		
3/03	COMMITTEE REPORT--BILL CONCURRED		
3/04	2ND READING CONCURRED	94	2
3/05	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
3/10	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/11	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		

CHAPTER NUMBER 85 EFFECTIVE DATE: 10/01/87

SB 3 INTRODUCED BY KEATING
CONSTITUTIONAL AMENDMENT TO DISCONTINUE DEPOSITS TO COAL TAX TRUST FUND

1/05	INTRODUCED
1/05	REFERRED TO TAXATION
1/06	FISCAL NOTE REQUESTED

SENATE BILL NO. 2

INTRODUCED BY HAGER

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON LIEN LAWS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIEN RIGHTS FOR PHYSICAL THERAPISTS AND OCCUPATIONAL THERAPISTS; AMENDING SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1111, MCA, is amended to read:

"71-3-1111. Short title. This part may be cited as the "Physician, Nurse, Physical Therapist, Occupational Therapist, and Hospital Lien Act ~~of 1979~~"."

Section 2. Section 71-3-1112, MCA, is amended to read:

"71-3-1112. Purpose. The purpose of this part is to establish lien rights for physicians, nurses, physical therapists, occupational therapists, and hospitals when a person receiving medical treatment:

(1) is injured through the fault or neglect of another; or

(2) is either insured or a beneficiary under insurance."

Section 3. Section 71-3-1114, MCA, is amended to read:

"71-3-1114. Liens of physicians, nurses, physical therapists, occupational therapists, and hospitals. (1) Whenever a physician, nurse, physical therapist, occupational therapist, or hospital renders services to a person injured through the fault or neglect of another, the physician, nurse, physical therapist, occupational therapist, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered on:

(a) any claim or cause of action the injured person, his estate, or successors may have for injury, disease, or death;

(b) any judgment the injured person, his estate, or successors may obtain for injury, disease, or death; and

(c) all money paid in satisfaction of such judgment or in settlement of the claim or cause of action.

(2) If a person is an insured or a beneficiary under insurance which provides coverage in the event of injury or disease, a physician, nurse, physical therapist, occupational therapist, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) The lien is subject to the lien of an attorney provided in 37-61-420."

Section 4. Section 71-3-1115, MCA, is amended to read:

"71-3-1115. Notice of lien. (1) A physician, nurse,

LC 0116/01

physical therapist, occupational therapist, or hospital claiming a lien shall serve written notice upon the person and upon his insurer, if any, against whom liability for injury, disease, or death is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed.

(2) A physician, nurse, physical therapist, occupational therapist, or hospital claiming a lien upon proceeds or payments payable by an insurer shall serve written notice upon the insurer against whom the lien is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed."

Section 5. Section 71-3-1117, MCA, is amended to read:

"71-3-1117. Liability for failure to recognize lien. If any insurer or person, after receiving notice of lien, makes payment on account of injury, disease, or death and the amount of the lien claimed by any physician, nurse, physical therapist, occupational therapist, or hospital has not been paid, the insurer or person is liable to the physician, nurse, physical therapist, occupational therapist, or hospital for the reasonable value of the services."

Section 6. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. Applicability. (1) Except as provided in

subsection (2), this part does not apply to compensation awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the Occupational Disease Act of Montana.

(2) This part applies to all payments awarded for medical, therapy, and hospital services pursuant to the acts referred to in subsection (1).

(3) This part does not apply to any benefits payable under a policy of life insurance or group life insurance, a contract of disability insurance, or an annuity contract or to pension benefits payable under a qualified pension plan."

-End-

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 16, 1987

The eighth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on January 16, 1987 by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members present.

CONSIDERATION OF SB 2: Senator Tom Hager of Senate District #48 told that this bill is the result of the lien law committee. He said physical and occupational therapists will get the benefits in judgments, settlements, and insurance proceeds, as physicians and nurses get.

PROPONENTS: Gary Lusin, licensed physical therapist from Bozeman testified for the bill (see Exhibit 1, written testimony).

Doris Luckman, representing the Joe O. Luckman Physical Therapy, a private practice in Great Falls, testified in support of the bill (see Exhibit 2, written testimony).

Lorin Wright, a physical therapists from Red Lodge, said his practice would improve the cash flow if this bill was a law.

Carol Barnes, physical therapist from Helena, supported SB 2 (see Exhibit 3, written testimony).

Mona Jamison, Montana Chapter of American Physical Therapy Association, felt this was an economic issue and these people should be entitled to reimbursement. She said they are professional medical people just like physicians and nurses. She asked other physical therapists to stand and identify themselves: Mary Mistal, Billings; Clay Edwards, Dillon; Mary Jo Lusin, Bozeman; Charlene Dallec, Great Falls.

Bonnie Tippy, Montana Chiropractic Association, supported SB 2 because these people provided services that should be reimbursed. She presented amendments to the bill (see Exhibit 4). She said these amendments would put all licensed health providers in this bill.

Mike H. Pardis of Helena, represented the Montana Chiropractic Association, explained the amendments (see Exhibit 5, written testimony).

Roger Tippy, Montana Dental Association, said the Dental Association agreed with the amendments from the Chiropractors. He said this extends the purpose of the bill, but does not change it.

OPPONENTS: None

DISCUSSION ON SB 2: Senator Pinsoneault asked what the difference is between occupational and physical therapists. Mr. Lusin responded an occupational therapists deals with daily living activities, such as "motor control" required by a job. He said a physical therapist is licensed to treat the person through the entire body. He said the majority of occupational therapy patients usually have more neurological problems, and physical therapists treat patients more with orthopedic involvement. He said there is a difference, but they do tend to lap over each other in activities.

Senator Crippen questioned why there were no occupational therapists present. He asked if occupational therapists mostly worked in hospitals and if their services are part of the hospital bill. Mr. Lusin said most do work in hospitals but there are some that have their own practice and they don't have lien rights.

Senator Galt asked Senator Hager if he had discussed in his committee the amendment from the Chiropractors. Senator Hager answered that he had just received it. Senator Galt questioned if the Chiropractors or any of the other licensed health care provider, besides the occupational and physical therapists, appeared before Senator Hager's committee. Senator Hager responded none of them did.

Senator Mazurek inquired if any comments were made about any other health care provider besides occupational and physical therapists. Senator Hager replied that counselors were discussed but not put in the bill. Senator Hager commented that one problem the committee faces is some health care providers are licensed and some are not.

Senator Pinsoneault asked if the amendments passed, how many other occupations would be involved. Bonnie Tippy responded that dentists, vets, and dieticans would be the main groups that would come under the amendments and she felt that was not a great amount.

Senator Galt asked what the physical therapists thought of the amendment. Mona Jamison answered she had not seen the amendments and she felt if the word physical therapist is dropped from the bill and "lumped" in as a health care provider it would bring on litigation because the issue becomes who is a health care provider and who isn't. She believed that health care provider is not defined in the codes and so all the groups under "health care provider" will be an undefined word in litigation.

Senator Mazurek commented that the amendment does define "health care provider" as a person licensed under Title 37: to practice one of the healing arts. Senator Hager pointed out occuaptional therapists are licensed under a differnt title than physical therapists. He said right now if someone enters the hospital and needs a physical therapist, then does not pay his bill, the doctor, nurse, and hospital can file liens, but not the therapists.

The committee stood at ease until Senator Halligan returned to introduce SB 16.

ACTION ON SB 33: Senator Pinsoneault felt this bill did not add anything to the authority of the sentencing judge and he asked how many merchants want to have someone who had stolen from them working in the store. Senator Crippen asked Valencia Lane about page 3, subsection 6, line 10, of the bill if that was put there because there was some question whether restitution would be made in the event of shoplifting or was that put in there just to add or make it mandatory. Valencia Lane believed the reason was the proponents testified that often the restitution is returning the item, which is usually in a worthless condition. Senator Crippen felt the involuntary servitude requirement should be eliminated.

Senator Mazurek felt enough options were available to the judge under the current law.

Senator Bishop felt the bill was "wide open" in what merchants could do to a shoplifter.

Senator Crippen moved SB 33 be amended:

Page 3, lines 16 through 24 (b)
Strike: Page 3, lines 16 through 24

He felt there is a problem with shoplifting and thought the proponents should have mentioned employee shoplifting. He said that by leaving subsection (a) on page 3, line 10 there, that will make restitution mandatory. He felt most shoplifting is planned and this is a good step in the restitution system and this amendment would eliminate the involuntary servitude problem. Valencia explained that on page 2, line 12 that it makes it only mandatory if the shoplifter can pay for it.

The motion to amend the bill carried unanimously.

Senator Pinsoneault made a substitute motion of DO NOT PASS on SB 33. Senator Pinsoneault felt the authority is already there and he felt it should stay mandatory.

Senator Halligan felt the involuntary servitude portion was wanted by the retail proponents and he said that he knows of no county attorney who will not request restitution.

Senator Crippen stated that he didn't know how many judges granted restitution on the first offense.

The motion carried with Senator Crippen voting no.

CONSIDERATION OF SB 16: Senator Halligan, of Senate District #29, Missoula, introduced SB 16 to the committee. He explained that he

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Jan. 16th, 198

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

VISITORS' REGISTER

SENATE AND HOUSE COMMITTEE Jud.

BILL [redacted] SB 2 DATE Jan 16

SPONSOR _____

NAME	REPRESENTING	RESIDENCE	SUPPORT	OPPOS
Marlene Ballou	Physical Therapists	Great Falls	X	
Mary Jo Lewis	Physical Therapists	Bozeman	X	
Mary Nistler, P.T.	Physical Therapists	Billings	X	
Gary Lewis	Physical therapist	Bozeman	X	
Doris Luckman	Owner Business Mgr	Great Falls	X	
Clay Edwards	Physical Therapist	Dillon	X	
Mike Jamison	Mt. Chapter of American Physical Therapy Assn	Helena	X	
Lorin R Wright	Physical Therapist	Red Lodge	X	
Carol Barnes	Physical Therapist	Helena	X	
Ken Thomas	[illegible]	Helena		
Bonnie Tippy	MT Chiropractic Assn	Helena	X	
Mike Pardis D.C	MT Chiropractic Assn	Helena	X	
Roger Tippy	MT Dental Assn	Helena	X (Amend)	
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	X	
[illegible]	Poisons	Gt Falls	X	
[illegible]	[illegible]	[illegible]	X	
Tom Simkins	Simkins Hall	Bozeman	✓	
William L McGinley	Nat Bank Building			

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

SENATE JUDICIARY
EXHIBIT NO. 1
DATE Jan. 16, 1987
BILL NO. SB 2

BOZEMAN
PHYSICAL THERAPY CENTER
Suite 703G • Medical Arts Center
300 North Willson
Bozeman, Montana 59715
(406) 587-4501

To: Senate Judiciary Committee

Re: Senate Bill 2, An Act Establishing Lien Rights for Physical Therapists and Occupational Therapists; Amending Sections...

I am a physical therapist from Bozeman, Montana, and have been in practice for five years. Confronted with the demands of a small business, one of which is the endless job of collecting reimbursement for our services, requires as many legal options as possible to assure cash flow. Often our reimbursement comes long after service has been provided and terminated.

Typically we see many patients involved in accidents that result in litigation and we presently have outstanding accounts close to three years old in this category. Our office has over $4,000 of service already provided that could possibly have been secured by a lien being applied.

I hope you will pass this bill as it stands to help those of us in small business in the field of physical therapy to collect debts owed us for services provided.

Respectfully,

Gary Lusin dk

Gary Lusin

GL:dk

Gary Lusin, P.T.
Mary Jo Lusin, P.T.

PHONE 761-0471

JOE O. LUCKMAN, P.T.
PHYSICAL THERAPY CONSULTANT
Great Falls Medical Building
1220 Central Avenue
GREAT FALLS, MONTANA 59401

SENATE JUDICIARY
EXHIBIT NO. 2
DATE Jan. 16, 87
BILL NO. SB 2

January 16, 1987

TO THE CHAIRMAN AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

I am Doris Luckman, co-owner and Business Manager of Joe O. Luckman, P.T., a private practice Physical Therapy office in Great Falls, Montana.

I am here today to ask for your support of Senate Bill 2, entitled "An Act Establishing Lien rights for Physical Therapists and Occupational Therapists".

We feel that people who have been injured seriously enough to need our services and who choose to come to us should expect to pay for the services they ask for and receive.

We are a small business that has operational expenses and it is not fair to be expected to provide service with no protection. We believe that when someone does get a settlement it is only fair for us to be assured of payment for the service they received from us.

At the present time we have approximately twelve patients whose cases have been under litigation for up to three years, during which time we have received no remuneration for treatments given.

We have also had patients who have received settlements which included our balances and have chosen not to pay our bill or to only partially pay it.

Therefore, we feel the need for a legal structure to enable us to file a lien in order to collect outstanding bills when settlements are awarded.

Thank you for your time, attention and consideration of this matter.

Doris Luckman

Doris Luckman

SB 2

Helena
Physical
Therapy
Associates

Carol Barnes, R.P.T.
Cheryl Hanson, R.P.T.
Kirk Hanson, R.P.T.

2615 Colonial Drive Helena, Montana 59601 406 443-5555

I support the addition of Physical Therapy to the lien bill. In the past six months, we have filed 11 liens. In one case, our lien was not honored. The patient was given his settlement, but we have not received any payment for our services.

Liens allow recourse in court if payments are not made. Physical Therapists, like MD's and nurses, need the legal protection that the filing of liens provides.

Thank you.

Carol Barnes PT

Carol Barnes
Physical Therapist
Private Practice

SENATE JUDICIARY
EXHIBIT NO. 3
DATE Jan 11, 89
BILL NO. SB 2

S ... TE JUDICIARY
EXHIBIT NO. 4
DATE Jan 16 1987
BILL NO. SB 3

Senate Bill 2, first reading.

1. Amend title, p. 1, line 6
Following: FOR
Insert: all licensed health care providers, including

2. Amend p. 1, line 13
Following: line 12
Strike: Physician, Nurse, Physical Therapist, Occupational Therapist,
Insert: Licensed Health Care Provider

3. Amend p. 1, line 17
Following: for
Strike: physicians, nurses, physical therapists, occupational therapists,
Insert: licensed health care providers

4. Amend p. 1, line 24
Following: line 23
Insert: Section 3. NEW SECTION. Licensed provider defined. As used in this part, "licensed health care provider" includes any person licensed under Title 37 to practice one of the healing arts.
Renumber: following sections

5. Amend p. 1, line 25
Following: of
Strike: physicians, nurses, physical therapists, occupational therapists,
Insert: licensed health care providers

6. Amend p. 2, line 2
Following: a
Strike: physician, nurse, physical therapist, occupational therapist,
Insert: licensed health care provider

7. Amend p. 2, line 5
Following: line 4
Strike: physician, nurse, physical therapist, occupational therapist,
Insert: licensed health care provider

8. Amend p. 2, line 17
Following: a
Strike: physician, nurse, physical therapist, occupational therapist,
Insert: licensed health care provider

9. Amend p. 2, line 25
Following: a
Strike: physician, nurse, physical therapist, occupational therapist,
Insert: licensed health care provider

SENATE JUDICIARY
EXHIBIT NO. 5
DATE Jan. 16, 1987
BILL NO. SB. 2

DR. MIKE PARDIS
Chiropractor
950 N. Montana
Helena, MT 59601

Telephone: (406) 449-7500

January 16, 1987

Senate Judiciary Committee

Re: Lien rights for Physical Therapists and Occupational Therapists (Senate bill #2)

Mr. Chairman and Members of the committee:

My name is Mike Pardis. I'm a chiropractor from Helena, Montana. It is my pleasure to be here to represent the Montana Chiropractic Association. We support Senate Bill #2 in its amended form for the following reasons:

1. As you're probably aware this bill has been submitted in previous years. Two years ago it was killed in committee as it represented only the physical therapy group.

2. This year the bill includes occupational therapists as well as the physical therapists. It seems logical that if a particular profession is licensed by the state it should be able to establish lien rights as well. (ie. Dentists, Chiropractors, Veterinarians, etc.)

3. Everyone likes to have their bills paid. When we, as a professional, perform a service to an individual, we expect to be paid in return. Often a service is performed with the likelyhood of recovery from a settlement to which the patient ultimately receives. A lien would establish that right.

4. Currently even a carpenter, plumber, or tradesman has the right to file a lien. If you don't believe me, try hiring one and don't pay him, and see what happens. Shouldn't a professional have that same right?

In summary, if this bill is not passed in its amended form, you can expect the professionals, one after another, to be back up here year after year until they are. Personally, I believe you as a group have more important issues to address you valuable time to.

Sincerely,

Michael H. Pardis, D.C.

NAME: Gary Lusin DATE: 1-16-87

ADDRESS: 300 N. Wilson Bozeman MT 59715

PHONE: 587-4501

REPRESENTING WHOM? Bozeman Physical Therapy Center

APPEARING ON WHICH PROPOSAL: Senate Bill 2

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: Written statement provided

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Doris Luckman DATE: 1/14/87

ADDRESS: 1232 Central Ave.

PHONE: 761-0471

REPRESENTING WHOM? Joe O. Luckman P.T.

APPEARING ON WHICH PROPOSAL: Senate Bill 2

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

Would like to see Senate Bill 2 become law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Jan. 19th

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X Came on 1/2 hour late		X
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 29 19 87

MR. PRESIDENT

We, your committee on Senate Judiciary

having had under consideration SENATE BILL No. 2

first reading copy (white color)

Providing lien rights for physical therapists and occupational therapists

Respectfully report as follows: That SENATE BILL No. 2

BE AMENDED AS FOLLOWS:

1. Title, line 6.
   Following: "PHYSICAL THERAPISTS"
   Strike: "AND"
   Insert: ","
   Following: "OCCUPATIONAL THERAPISTS"
   Insert: ", CHIROPRACTORS, AND PERSONS PRACTICING DENTISTRY"

2. Page 1, line 14.
   Following: "Therapist,"
   Insert: "Chiropractor, Dentist,"

3. Page 1, line 18.
   Following: "occupational therapists,"
   Insert: "chiropractors, persons practicing dentistry,"

4. Page 2, line 1.
   Following: "occupational therapists,"
   Insert: "chiropractors, persons practicing dentistry,"

5. Page 2, line 3.
   Following: "therapist,"
   Insert: "chiropractor, person practicing dentistry,"

6. Page 2, line 6.
   Following: "therapist,"
   Insert: "chiropractor, person practicing dentistry,"

~~XXXXXXX~~
~~DO PASS~~

~~XXXXXXXXX~~
~~DO NOT PASS~~

CONTINUED ON SECOND PAGE

CONCURRED

Chairman.

January 20 87
19

7. Page 2, line 10.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,

8. Page 3, line 1.
Following: "occupational therapist,"
Insert: "chiropractor, person practicing dentistry,"

9. Page 3, line 8,
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

10. Page 3, line 19.
Following: "occupational therapist,"
Insert: "chiropractor, person practicing dentistry,"

11. Page 3, line 21.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

12. Page 4, line 6.
Following: "therapy,"
Insert: "chiropractic, dentistry,"

AMEND/SB2P.SCB

AND AS AMENDED
DO PASS

Senator Bauman

certain insurance fees with the hopes that they would earmark that into these programs, because this is not expected to come out of the general fund.

Adjourned to the table for executive action.

ACTION ON SB 49: Senator Beck asked if the Robischon amendments were really needed. Senator Mazurek responded that maybe it should be limited to charitable organizations. Senator Pinsoneault said he would like to see the conservation districts protected. Senator Mazurek commented the Tort Claims Act protects conservation districts. He also commented to the committee that they should stay away from the illegal acts part of this bill in the first section. He thought the committee should define "volunteer" for future litigation. Senator Mazurek then asked if this should be tax exempted like churches. The committee decided to wait on taking any action on the bill.

ACTION ON SB 16: Senator Pinsoneault moved:

> Page 2, lines 14 through 16.
> Following: "sale" on line 14
> Strike: the remainder of line 14 through "sale" on line 16

The motion carried unanimously. Senator Pinsoneault moved the bill AS AMENDED DO PASS. The motion carried unanimously.

ACTION ON SB 2: Senator Mazurek stated that Roger Tippy said the committee should define "health care provider". Valencia Lane responded the "health care provider" is under Title 37 of the MCA. Senator Pinsoneault said he could see giving them filing rights because it is defined to groups. Senator Crippen felt other groups can amend themselves into the statute because no other groups spoke on this subject, so they must not feel strongly about this. Senator Brown thought the bill should have Chiropractors because they did come to the hearing. Senator Beck said they should come in with their own amendment to get into the bill. Senator Halligan responded they were not at the subcommittee when they worked on this bill. Senator Bishop moved to include the Chiropractors. Senator Mazurek asked what should be done with the dentist because they were represented at the Judiciary hearing. Senator Bishop withdrew his motion. Senator Halligan moved to have Chiropractors and Denists included in the bill. The motion carried unanimously. Senator Halligan moved the bill AS AMENDED DO PASS. The motion carried with Chairman Mazurek voting no.

ACTION ON SB 20: Senator Mazurek stated the committeee has to make sure the 20 days starts on the mailing date in this bill. Valencia said on page 8, line 16 through page 9, line 6, the owner can mail a notice on the 19th day after service, as long as he can prove it, and should still be effective. Senator Mazurek echoed that the statute should have the

QUESTIONS

None.

CLOSING

Senator Halligan made no further comments.

SENATE BILL NO. 84 - Discretion of Law Enforcement Agency in Reserve Officers' Insurance Plan, sponsored by Senator Gene Thayer, Senate District 19, Great Falls. Senator Thayer stated this bill was at the request of the Department of Labor. He commented that in 1979 the law was amended to allow public corporations other than state agencies to ensure plan 1 and 2 rather than exclusively plan 3 of worker's compensation. He said a section of the law left out reserve officers, and this bill adds the reserve officers to that law.

PROPONENTS

None.

OPPONENTS

None.

QUESTIONS

None.

CLOSING

Senator Thayer made no further comments.

SENATE BILL NO. 2 - Providing Lien Rights for Physical Therapists and Occupational Therapists, sponsored by Sen. Tom Hager, Senate District 48, Billings. Senator Hager stated that as the interim committee studied the lien laws, they found that the persons who are allowed to file liens in case of nonpayment of a bill were not equitable, in that certain people were not included. He said the interim committee recommended extension of the privilege of filing liens to include physical and occupational therapists and chiropractors. He pointed out this was a matter of omission in the law, and this bill would correct that.

PROPONENTS

Gary Lusin, physical therapist from Bozeman and president of the Montana Chapter of the American Physical Therapy Association. He said as a small business man, a legal means to recover costs is needed. He submitted written testimony. Exhibit No. 5.

Doris Luckman, co-owner and business manager for the Joe O. Luckman Physical Therapy Clinic in Great Falls. Ms. Luckman stated that people who had been seriously injured to require physical therapy services and who chose to have therapy should expect to pay for the services they receive. She said a small business has operational expenses and it is not fair to be expected to provide the service with no protection. Ms. Luckman submitted written testimony. Exhibit No. 6.

Mary Mistal, representing private practice physical therapists. Ms. Mistal stated that this bill would allow physical therapists to be added to the lien laws to help ensure payment of their services.

Kurt Hanson, physical therapist in Helena. Mr. Hanson stated that part of their clientele were ones involved in lawsuits and have experienced not being reimbursed for services as a part of a settlement of a lawsuit. He feels that the protection offered by a lien would enable reimbursement for services already rendered.

Roger Tippy, representing the Montana Dental Association. Mr. Tippy stated that a generic description of all licensed health care providers could be included in the bill to shorten the list of people allowed to file liens, and to include the dentists.

Bonnie Tippy, representing the Montana Chiropractors Association. Ms. Tippy stated the chiropractor group had similar problems that the physical therapists have with nonpayment for their services.

Mike Pardis, chiropractor in Helena. Mr. Pardis stated they support this bill as amended to include chiropractors.

Mona Jamison, representing the Montana Chapter of the American Physical Therapy Association. Ms. Jamison stated that in behalf of the Association she urges support of the bill as amended. She said this was an economic issue since all expect to be paid for their work. She said filing a lien is equitable and fair to ensure that they receive payment from insurance settlements.

OPPONENTS

None.

QUESTIONS

Rep. Driscoll asked if a person does not have insurance to file a lien against, could a lien be filed against their house. Mona Jamison replied that a lien could be filed only against the insurance proceeds. She said the focus of the lien bill is on the insurance benefits should the injured party have a recovery. She said it did not extend to their homes.

Rep. Swysgood asked if this lien was filed against the insurance settlement, was the intent that it would be assumed that everybody is not going to pay their bills. Mona Jamison replied that the lien would have to be filed after the lawsuit and before judgement was rendered in the lawsuit.

Sen. Hager said the purpose of the bill would enable the chiropractor, physical therapists, and dentists to file a lien in the same manner as physicians and nurses.

Rep. Thomas asked if a lien filed could apply to some future benefits. Mr. Tippy replied that a lien had to be dollar specific and not open ended for unknown services. Ms. Jamison responded that in the code section in the notice of the lien, it is specifically tailored as to what has to be included and described in the nature of services, when rendered, the value, and that a lien is claimed. She said it was incident specific or claim specific, and the lien has to be filed with those benefits covering a particular incident.

CLOSING

Sen. Hager made no further comments.

EXECUTIVE ACTION - March 3, 1987 - 10:10 a.m.

ACTION ON SENATE BILL NO. 2

Rep. Brandewie moved that Senate Bill No. 2 BE CONCURRED IN. The motion carried unanimously.

Rep. Bachini will carry the bill in the House.

ACTION ON SENATE BILL NO. 84

Rep. Wallin moved that Senate Bill No. 84 BE CONCURRED IN. The motion carried unanimously.

Rep. Bachini will carry the bill in the House.

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 3, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

STANDING COMMITTEE REPORT

March 3 19 37

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report SENATE BILL NO. 2

- ☐ do pass
- ☐ do not pass
- ☒ be concurred in
- ☐ be not concurred in
- ☐ as amended
- ☐ statement of intent attached

REP. LES KITSELMAN Chairman

THIRD BLUE reading copy (color)

EXHIBIT 5
DATE 3/3/87
SB SB 2

BOZEMAN
PHYSICAL THERAPY CENTER
Suite 703G • Medical Arts Center
300 North Willson
Bozeman, Montana 59715
(406) 587-4501

March 3, 1987

To: House Business and Labor Committee

Re: SB 2, An Act Establishing Lein Rights for Physical Therapists and Occupational Therapists.

I am a Physical Therapist from Bozeman, Montana, and have been in practice for over five years. Confronted with the demands of a small business , one of which is the endless job of collecting reimbursement for our services, requires as many legal options as possible to assure cash flow and meet our obligations. Often our reimbursement comes long after service has been provided and terminated.

Typically we see many patients involved in accidents that may or may not result in litigation on the part of the patient to recover some reward for them. This process can take three years or more and during this time we are not reimbursed. In the past five years we have accumulated over $5,000 of service provided that is in the 2-4 year wait. There is also a substantial amount in the same situation that is less than two years old. Also, in the last five years we have had 2 accounts that had been settled without us receiving our money. There has also been several situations where patients have been provided service, submitted their bills to their insurance, received reimbursement, and not bothered to pay us.

The ability to apply a legal lein in these cases would at least assure us that we will be able to recover our service cost with a much greater degree of certainty. It would certainly place us in the same situation as hospitals and physicians for reimbursement as we are already in the mainstream of health care and should be allowed the same avenues of collection as the other providers.

I urge your support for this bill.

Sincerely,

Gary Lusin, PT

Gary Lusin, PT

Gary Lusin, P.T.
Mary Jo Lusin, P.T.

PHONE 761-0471

JOE O. LUCKMAN, P.T.
PHYSICAL THERAPY CONSULTANT
Great Falls Medical Building
1220 Central Avenue
GREAT FALLS, MONTANA 59401

EXHIBIT 6
DATE 3/3/87
SB SB 2

March 2, 1987

TO THE CHAIRMAN AND MEMBERS OF THE HOUSE BUSINESS AND LABOR COMMITTEE:

I am Doris Luckman, co-owner and Business Manager of Joe O. Luckman, P.T., a private practice Physical Therapy office in Great Falls, Montana.

I am here today to ask for your support of Senate Bill 2, entitled "An Act Establishing Lien Rights for Physical Therapists and Occupational Therapists".

We feel that people who have been injured seriously enough to need our services and who choose to come to us should expect to pay for the services they ask for and receive.

We are a small business that has operational expenses and it is not fair to be expected to provide service with no protection. We believe that when someone does get a settlement it is only fair for us to be assured of payment for the service they received from us.

At the present time we have approximately twelve patients whose cases have been under litigation for up to three years, during which time we have received no remuneration for treatments given.

We have also had patients who have received settlements which included our balances and have chosen not to pay our bill or to only partially pay it.

Therefore, we feel the need for a legal structure to enable us to file a lien in order to collect outstanding bills when settlements are awarded.

Thank you for your time, attention and consideration of this matter.

Doris Luckman

Doris Luckman

EXHIBIT
DATE 3/31/
SB SB 2

WITNESS STATEMENT

NAME _____ BILL NO. _____

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT_____
DATE_____
HB_____

WITNESS STATEMENT

NAME KIRK HANSON BILL NO. 2

ADDRESS 1027 HAUSER BLVD HELENA DATE 3/3/93

WHOM DO YOU REPRESENT? SELF

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I PRACTICE HERE IN HELENA.

WE ARE CO-SUPPORT OF SB 2